REMARKS

The English language application filed herewith is a translation into English of the parent application (International Application No. PCT/EP2004/008169 filed on July 22, 2004). References herein to paragraph numbers of the parent application relate to the English language version.

A. Amendments in the specification

Amendment of the specification by insertion of new paragraph **[0000]** is requested to provide cross-reference to, claim benefit of, and incorporate by reference prior applications in accordance with 37 C.F.R. §§ 1.55, 1.57(a) and 1.78(a), and to cross-reference and incorporate by reference a concurrently filed U.S. application in accordance with 37 C.F.R. § 1.57(d).

Replacement paragraphs **[0003]**, **[0004]**, **[0013]**, **[0024]**, **[0029]**, **[0030]**, **[0033]**, **[0034]**, **[0036]** and **[0037]** contain amendment to recite that the embodiments described therein relate to a method for treating depression in a mammal. Support for this amendment is found in the parent application, at least at paragraph **[0038]** and at Claim 17 thereof. Opportunity is taken to correct minor grammatical and/or syntactical deficiencies in these paragraphs, some of which may have arisen from translation, and thereby enhance clarity of disclosure of the invention.

Replacement paragraph **[0018]** is amended to insert the word "now" in the phrase "It has been shown ...", in order to further clarify that the specifically antidepressive effect of rotigotine is a showing made by the inventors in accordance with the present invention, and is not a showing of prior art.

B. Amendments in the claims

By amendment of the claims herein, Claims 1–15 are cancelled without prejudice. It will be noted that these original claims were presented in so-called "Swiss form". Applicant elects in the present application to prosecute claims to a method for treating depression, as presented herein in Claims 17–35, but in doing so makes no admission as to patentability or lack thereof with respect to the now cancelled "Swiss form" claims.

The following claims are now pending in the present application: Claims 16–36. Each of these claims finds support in the parent application as filed, as indicated below.

Claim 16, drawn to a combination preparation, is amended to enhance clarity of the claim, for example by providing more standard Markush wording and by deleting the phrase

"for the treatment of depression", it being recognized that the use to which a preparation is put is not a patentably distinguishing feature of the preparation *per se*. Claim 16 is also amended to recite a compound having a formula as specified in paragraph **[0010]**, for consistency with Claim 17 as amended herein (see immediately below).

Claim 17, drawn to a method for treating depression in a mammal, is amended to recite administration of a compound having a formula as specified in paragraph **[0010]**, or a racemate or enantiomer thereof, or a salt thereof. Support for this amendment is found in the parent application at least at paragraph **[0010]** and in original Claim 5.

New Claims 18–23 will be seen to correspond substantially to original Claims 2–4 and 6–8 respectively, but with R1 defined as in original Claim 5. Support for Claims 18–23 is found in the parent application at least in these original claims, and in the specification at paragraphs **[0005]** and **[0006]** (Claim 18), paragraph **[0004]** (Claim 19), paragraphs **[0008]** and **[0012]** (Claim 20), paragraph **[0010]** (Claim 21), paragraph **[0011]** (Claim 22), and paragraph **[0013]** (Claim 23).

New Claim 24 recites that the mammal is human. Support for this recitation is found in the parent application at least at paragraph **[0038]**.

New Claim 25 recites that the depression to be treated is an endogenous depression or an organic depression not associated with Parkinson's disease. Support for recitation of endogenous depression is found in the parent application at least at paragraph **[0028]**, subparagraph I; and for recitation of organic depression not associated with Parkinson's disease, at least at paragraph **[0037]**. It is noted that Claim 26 corresponds substantially to Claim 1 of the amended claim set submitted pursuant to Art. 34 PCT. An English language translation of the Art. 34 PCT amended claims is submitted herewith.

New Claims 26–28 will be seen to correspond substantially to original Claims 10–13 respectively. Support for Claims 26–28 is found in the parent application at least in these original claims, and in the specification at paragraphs **[0038]**, **[0037]** and **[0036]** respectively.

New Claim 29, drawn to a method of the invention for treating Parkinson's disease-associated depression wherein co-medication with another antidepressant is absent, finds support in the parent application at paragraphs **[0035]**–**[0036]**.

New Claim 30 will be seen to correspond substantially to original Claim 14. Support for Claim 30 is found in the parent application at least in that original claim.

New Claim 31, which recites transdermal administration by a variety of means, finds

support in the parent application at least at paragraph **[0043]**.

New Claim 32, which recites transdermal administration by means of a plaster wherein the active ingredient is present in a matrix comprising an adhesive polymer, finds support in the parent application at least at paragraph **[0044]**.

New Claim 33, which recites transdermal administration providing a substantially constant plasma level, finds support in the parent application at least at paragraph **[0044]**.

New Claim 34 will be seen to correspond substantially to original Claim 15 and to Claim 12 of the Art. 34 PCT amended claim set. Support for Claim 34 is found in the parent application at least in original Claim 15.

New Claim 35, which recites that the method further comprises administering an additional active ingredient as specified therein, finds support in the parent application at least at paragraphs **[0052]**–**[0056]**.

New Claim 36, drawn to a combination preparation wherein the further active ingredient is an antidepressant as specified therein, finds support in the parent application at least at paragraphs **[0054]**–**[0055]**.

Claims 16–36 therefore find support in the parent application as filed. No new matter is introduced by the present amendment. No changes in inventorship are believed to result from the present amendment. Examination of the present application is requested following entry of this amendment.

Respectfully submitted,
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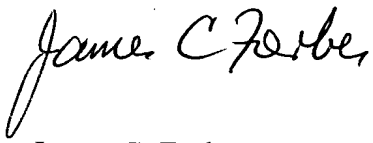

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